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FILED  
HARRISBURG, PA

JUL 15 2002

MARY E. D'ANDREA, CLERK  
Per                       
Deputy Clerk

IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA

WILLIAM CLARK,	:	NO.: 1:CV01-0764
Plaintiff	:	
	:	(JUDGE CALDWELL)
v.	:	
	:	
MARTIN HORN, et al.,	:	JURY TRIAL DEMANDED
Defendants	:	

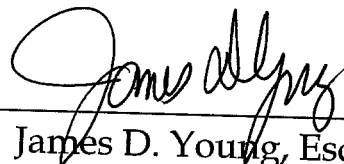
APPENDIX OF EXHIBITS IN OPPOSITION TO PLAINTIFF'S  
MOTION TO COMPEL PRODUCTION OF DOCUMENTS  
FROM THE WEXFORD DEFENDANTS

Exhibit "A"	Plaintiff's Request for Production of Documents Directed to Wexford.
Exhibit "B"	Wexford Defendants' Response to Plaintiff's Request for Production of Documents.

Respectfully submitted,

Lavery, Faherty, Young &  
Patterson, P.C.

By: \_\_\_\_\_



James D. Young, Esquire  
Atty No. 53904

225 Market Street, Suite 304

P.O. Box 1245

Harrisburg, PA 17108-1245

Attys for Defendants,

Wexford Health Sources, Inc.

and John Symons

DATE: \_\_\_\_\_

7/15/02

IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA

WILLIAM CLARK,

Plaintiff,

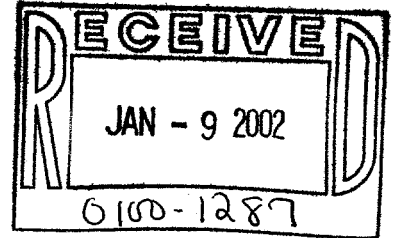
vs.

MARTIN HORN, Secretary,  
Pennsylvania Department of  
Corrections; ROBERT MEYERS,  
Superintendent, State Correctional  
Institution at Rockview;  
WEXFORD HEALTH SOURCES,  
INC., Health Care Provider at  
the State correctional Institution  
at Rockview; JOHN SYMONS,  
M.D., Medical Director, State  
Correctional Institution at  
Rockview; LARRY LIDGETT,  
Health Care Administrator,  
State Correctional Institution at  
Rockview,

Defendants.

NO. 1:CV-01-0764

(JUDGE CALDWELL)

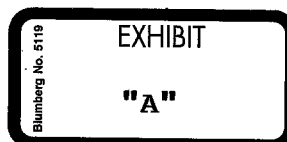


JURY TRIAL DEMANDED

**REQUEST FOR PRODUCTION OF DOCUMENTS  
TO DEFENDANTS WEXFORD HEALTH SOURCES, INC.**

NOW COMES the Plaintiff, William Clark, *pro se*, and respectfully requests the following documents:

1. Please provide each and every copy of Plaintiff's request slips or grievances and any and all responses to same from prison or medical department personnel relating to Plaintiff's questions or requests pertaining to his hepatitis C.



RESPONSE:

2. Please provide copies of all prior draft criteria established by the Commonwealth of Pennsylvania Department of Corrections and/or Wexford Health Sources, Inc., and state whether or not they were ever approved, put in force, or used to make any determination for treatment of individuals with Hepatitis C.

RESPONSE:

3. Please state the date each such draft criteria was completed, and the names of any and all individuals who worked on, assisted, or in any way, shape, or form contributed to the creation of said guidelines drafts.

RESPONSE:

4. Please provide a copy of the current hepatitis C treatment protocol, and provide the date it was implemented, including any copies of revisions, the dates of each revision, the names of any and all individuals who worked on, assisted, or in any way, shape, or form contributed to the creation of said protocol(s).

RESPONSE:

5. Please provide a copy of each and every evaluation for eligibility for the Interferon/Ribavirin treatment protocol which was performed on Plaintiff with regards to his hepatitis C.

RESPONSE:

6. Please provide a copy of Plaintiff's complete medical record, as maintained by Defendant Wexford Health Sources, Inc.

RESPONSE:

Respectfully submitted:

A handwritten signature in cursive script, appearing to read "William Clark", is written over a horizontal line.

William Clark, *pro se*  
Box A - AY-5585  
Bellefonte, PA 16823

Date: JANUARY 2, 2002.

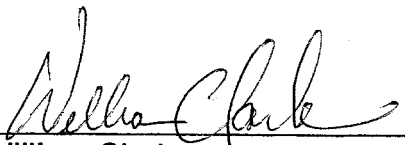
**CERTIFICATE OF SERVICE**

I, William Clark, certify that I have this day served upon the below indicated person(s) a true and correct copy of the foregoing document by placing same in the United States mail, postage prepaid, addressed as follows:

James D. Young, Esq.  
301 Market Street, Suite 800  
P.O. Box 1245  
Harrisburg, PA 17108-1245

John J. Talaber, Esq.  
Office of Chief Counsel  
55 Utley Drive  
Camp Hill, PA 17011

Respectfully submitted:

  
\_\_\_\_\_  
William Clark, pro se  
Box A - AY-5585  
Bellefonte, PA 16823

Date: JANUARY 2, 2002

IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA

WILLIAM CLARK,

Plaintiff

NO.: 1:CV01-0764

v.

MARTIN HORN, Secretary,  
Pennsylvania Department of  
Corrections; ROBERT MEYERS,  
Superintendent, State Correctional  
Institution at Rockview;  
WEXFORD HEALTH SOURCES,  
INC., Health Care Provider at  
the State Correctional Institution  
at Rockview; JOHN SYMONS,  
M.D., Medical Director, State  
Correctional Institution at  
Rockview; LARRY LIDGETT,  
Health Care Administrator,  
State Correctional Institution at  
Rockview,

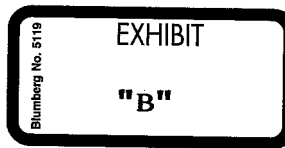
Defendants

JUDGE CALDWELL

JURY TRIAL DEMANDED

**DEFENDANTS, WEXFORD HEALTH SOURCES, INC.  
AND DR. SYMONS' RESPONSE TO PLAINTIFF'S  
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS**

AND NOW, come Defendants, Wexford Health Sources, Inc. and Dr. Symons, by and through their attorneys, Lavery, Faherty, Young & Patterson, P.C., and in accordance with Federal Rules of Civil Procedure 26 and 34, hereby respond to Plaintiff's First Request for Production of Documents as follows:





1. Objection. Answering Defendants object to this request pursuant to Fed. R.Civ.P. 26(b)(2)(i) in that grievance material is obtainable from some other source that is more convenient; specifically, Plaintiff, as an inmate within the Department of Corrections, receives copies of his grievances and responses thereto. By way of further answer, the Department of Corrections, and not Answering Defendants, is the custodian of records and this request is more appropriately addressed to the Department of Corrections Defendants. To the extent that further answer may be deemed appropriate, the Department of Corrections Defendants have already made the requested documents available for examination and inspection by the Plaintiff.

2. Objection. Answering Defendants object to Plaintiff's request pursuant to Fed.R.Civ.P. 34(b) in that this request does not describe the items to be set forth for examination and inspection with reasonable particularity; consequently, pursuant to Fed.R.Civ.P. 26(b)(1), this request does not appear to be reasonably calculated to lead to the discovery of admissible evidence for purposes of trial. By way of further objection, Answering Defendants object to Plaintiff's request pursuant to Fed.R.Civ.P. 26(b)(5) because "all prior draft criteria established by the Pennsylvania Department of Corrections and/or Wexford Health Sources, Inc." is over broad and said documents are protected by the Executive Document Privilege. See, Com. Ex rel. Unified Judicial System v. Vartan, 733 A.2d 1258 (Pa. 1999); see also, Kerr v. United States District Court for the Northern District of California 426 U.S. 394, 405 (1976). Without waiver of the foregoing objection, the Department of Corrections Defendants have already produced

for examination or inspection medical journal articles, Hepatitis C education materials, final versions of the Department's Hepatitis C protocol, and the known names and titles of individuals involved in developing the Department's Hepatitis C protocol.

3. See objection and response to Request No. 2.

4. See objection and response to Request No. 2.

5. None. The Department of Corrections, and not Answering Defendants, is the custodian of Plaintiff's prison medical records, and as such, this request is more appropriately addressed to the Department of Corrections Defendants. By way of further response, the Department of Corrections Defendants have already indicated that they will make the discoverable portions of Plaintiff's prison medical records available for examination, inspection and/or photocopying by the Plaintiff.

6. See response to Request No. 5.

Respectfully submitted,

Lavery, Faherty, Young & Patterson, P.C.

By: 

James D. Young, Esquire

Atty No. 53904

225 Market Street, Suite 304

P.O. Box 1245

Harrisburg, PA 17108-1245

Attys for Defendants, Wexford

Health Sources, Inc. and

John Symons, M.D.

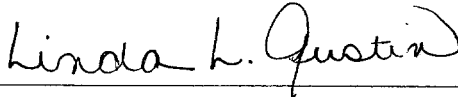
DATE: 5/22/02

CERTIFICATE OF SERVICE

I, Linda L. Gustin, an employee with the law firm of Lavery, Faherty, Young & Patterson, P.C., do hereby certify that on this 22<sup>nd</sup> day of May, 2002, I served a true and correct copy of the foregoing **Defendants, Wexford Health Sources, Inc. and Dr. Symons' Response to Plaintiff's First Request for Production of Documents** via U.S. First Class mail, postage prepaid, addressed as follows:

William Clark  
#AY5585  
SCI-Rockview  
PO Box A  
Bellefonte, PA 16823

John Talaber, Esquire  
Office of Chief Counsel  
PA Department of Corrections  
55 Utley Drive  
Camp Hill, PA 17011

  
\_\_\_\_\_  
Linda L. Gustin

**CERTIFICATE OF SERVICE**

I, Linda L. Gustin, an employee with the law firm of Lavery, Faherty, Young & Patterson, P.C., do hereby certify that on this 15<sup>th</sup> day of July, 2002, I served a true and correct copy of the foregoing **Appendix of Exhibits in Opposition to Plaintiff's Motion to Compel Production of Documents From the Wexford Defendants** via U.S. First Class mail, postage prepaid, addressed as follows:

William Clark  
#AY5585  
SCI-Rockview  
PO Box A  
Bellefonte, PA 16823

John Talaber, Esquire  
Office of Chief Counsel  
PA Department of Corrections  
55 Utley Drive  
Camp Hill, PA 17011

Linda L. Gustin  
Linda L. Gustin